

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference MPC40854 | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/CN2004/000150 | International filing date (day/month/year) 27.FEB.2004 (27.02.2004) | Priority date (day/month/year) |
| International Patent Classification (IPC) or national classification and IPC See supplemental box | | |
| Applicant KIN HIP METAL & PLASTIC FACTORY LTD. et al. | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | |
| Date of submission of the demand 23.MAR.2005 (23.03.2005) | Date of completion of this report 24.APR.2006 (24.04.2006) | |
| Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451 | Authorized officer GUAN, Shansong Telephone No. 86-10-62085529 | |



Box No. I Basis of the report1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-4 _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages * 1-2 _____ as amended (together with any statement) under Article 19
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☒ the drawings:
- pages 1-2 _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement:**

| | | |
|-------------------------------|------------|-----|
| Novelty (N) | Claims 1-9 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1-9 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1-9 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)**(1) NOVELTY**

US5472274A (D1), which is considered to represent the most relevant state of the art, discloses a container for cooling a beverage(see the whole document), from which the subject-matter of the claim 1 differs in that the cooling member includes a vessel member and a top closure member, and the top closure member includes a cavity, so the volume of the internal cavity of the cooling member is larger than the volume of the vessel member .

Any item of prior art does not disclose alone the subject-matter of the claim 1, therefore the subject matter of the claim 1 is new, the claim 1 satisfies the criterion set out in the PCT 33(2).

The dependent claims 2-4 directly or indirectly refer to the claim 1, therefore the dependent claims 2-4 also satisfy the criterion set out in the PCT 33(2).

The subject matter of the claim 5 relates to a method of using a container defined by the claim1, therefore the subject matter of the claim 5 is new, the claim 5 satisfies the criterion set out in the PCT 33(2).

The dependent claims 6-9 directly or indirectly refer to the claim 5, therefore the dependent claims 6-9 also satisfy the criterion set out in the PCT 33(2).

(2) INVENTIVE STEP

The technical problem solved by the claim 1 is : to provide a kind of container ,the beverage contained therein can be easily cooled .

The solution adopted by the claim 1 is : to provide a container with a body member and a cooling member detachably engageable with the body member, the cooling member includes a vessel member and a top closure member, the top closure member includes a cavity, to thereby allow a coolable agent in said vessel member to expand into the cavity of the top closure member upon freezing.

To a skilled person facing said technical problem, any other prior art document does not give a hint or suggestion to solve the above problem by adopting the above solution. Therefore, the claim 1 is non-obvious, satisfying the criterion set out in the PCT 33(3).

The dependent claims 2-4 directly or indirectly refer to the claim 1, therefore the dependent claims 2-4 also satisfy the criterion set out in the PCT 33(3).

The subject matter of the claim 5 relates to a method of using a container defined by the claim1, therefore the claim 5 is non-obvious, satisfying the criterion set out in the PCT 33(3).

The dependent claims 6-9 directly or indirectly refer to the claim 5, therefore the dependent claims 6-9 also satisfy the criterion set out in the PCT 33(3).

(3) INDUSTRIAL APPLICABILITY

Naturally, the beverage containers of the claims 1-4 and the methods of 5-9 can be made and applied respectively, the claims 1-9 satisfy the criterion set out in the PCT 33(4).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

B65D 85/72 (2006.01) i

A47G 23/04(2006.01) i

F25D 3/08 (2006.01) i